

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VITO A. PELINO,)	
)	
Plaintiff,)	Civil Action No. 18-1308
)	Judge Arthur J. Schwab/
v.)	Magistrate Judge Maureen P. Kelly
)	
JOHN E. WETZEL and ROBERT GILMORE,)	
)	
Defendants.)	

ORDER

Vito A. Pelino (“Plaintiff”) has filed a civil rights Complaint, alleging that his constitutional rights were violated by the promulgation of new mail regulations imposed by the Pennsylvania Department of Corrections (“DOC”) that was prompted by the apparent poisoning of corrections officers who came into contact with dangerous substances that had been somehow introduced into various state prisons. Plaintiff concedes in his Complaint that he has not completed the exhaustion of administrative remedies prior to filing the instant civil action. The civil rights action was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

Magistrate Judge Kelly, in a Report and Recommendation (the “Report”), ECF No. 9, filed on November 1, 2018, recommended that the Complaint, ECF No. 6, be dismissed preservice pursuant to 28 U.S.C. § 1915(e), which permits pre-screening of complaints filed by plaintiffs who are granted in forma pauperis status. The Report recommended preservice dismissal of the Complaint for failure to state a claim upon which relief can be granted.

Service of the Report was made on the Plaintiff at his address of record. Plaintiff was given until November 19, 2018 to file any objections. The deadline of November 19, 2018 has now passed and Plaintiff has not filed any Objections.

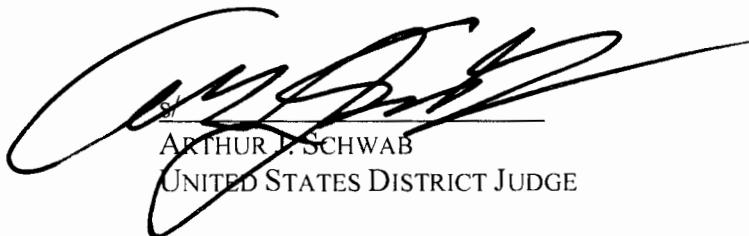
Accordingly, after *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of November 2018;

IT IS HEREBY ORDERED that the Complaint, ECF No. 6, is dismissed with prejudice pursuant to 28 U.S.C. §1915(e) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. 9, filed on November 1, 2018, by Magistrate Judge Kelly, is adopted as the opinion of the Court. The Clerk is to mark the case closed.

Lastly, the Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith.



ARTHUR L. SCHWAB
UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

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